

CONFIDENTIAL

30 APR 1953

MEMORANDUM FOR: Chairman, HK Career Service Board

25X1A9a SUBJECT: Promotion [REDACTED]

1. Reference is made to your memorandum dated 21 April 1953, in which it is recommended that the promotion of [REDACTED] from GS-6 to GS-7 be made effective 12 October 1952, although the request for his promotion received from the HK Division is dated 25 March 1952. 1A9a

2. It is a well recognised principle that promotions dependent on administrative actions are effective only from the date of their approval by the officer exercising the appointing power and not from the date of their recommendation by an official not authorized to make such promotions. The officer with the appointing power and consequently possessing the sole authority to make effective the promotion, in the present case, is the Chief, Personnel Division (Covert) whose approval fixes the date upon which the promotion recommended will become effective.

3. The Comptroller General has specifically ruled on several occasions that a promotion by the proper authority legally may not be made effective retroactively. (See 3 Comp. Gen. 559 at 561; 6 Comp. Gen. 133 at 134; 26 Comp. Gen. 706 at 708.)

4. A question recently presented to the Comptroller General involved facts similar to those of the instant case and his decision is therefore pertinent. In the case of certain Army officers who were eligible for one grade promotions but who, through administrative error or oversight, were not timely issued the promotion orders, subsequent orders announcing their promotion effective retroactively to the date they had become eligible for promotion were declared to be invalid. (See 26 Comp. Gen. 475.)

5. In view of the decisions by the Comptroller General cited above, this Office is legally unable to promote retroactively Mr. [REDACTED] as of 12 October 1952, despite the unfortunate error by the Personnel Officer of the HK Division.

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